

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

ANDREW FETHER,
Plaintiff,

v.

Case No: 1:17-cv-878
Honorable: Janet T. Neff
Magistrate Judge: Ellen S. Carmody

HILLSDALE COUNTY, a Municipal Corporation;
HILLSDALE COUNTY SHERIFF DEPARTMENT,
HILLSDALE COUNTY SHERIFF
DEPARTMENT'S DEPUTY KWINN LEVA, in her
individual and official capacity, ASSISTANT
PROSECUTOR VALERIE WHITE, in her official
and individual capacity; MICHIGAN STATE
POLICE TROOPERS THOMAS HURST, CYNTHIA
GOCHANOUR, and TONY CUEVAS, and
MICHIGAN STATE POLICE SEX OFFENDER
REGISTRY ANALYSTS MELISSA MARINOFF
and MARCI KELLEY, in their individual capacities,
Defendants.

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**MOTION FOR VOLUNTARY DISMISSAL OF COUNTS III & IV AGAINST
MICHIGAN STATE POLICE DEFENDANTS, AND ALL COUNTS AGAINST COUNTY
DEFENDANTS, OF PLAINTIFF'S COMPLAINT (DKT 1)**

Plaintiff, through their attorney Nicholas H. Klaus of Klaus Law P.L.L.C. and pursuant to F.R. Civ. P 41 (a)(2), moves this Honorable Court for an Order of Voluntary Dismissal Without Prejudice and Without Costs, showing as follows:

1. Plaintiff voluntarily dismiss all claims against Defendants Hillsdale County, Hillsdale County Sheriff's Department, Deputy Kwinn Leva and Assistant Prosecutor Valerie White in Plaintiff's Complaint.
2. Plaintiff voluntarily dismisses Count III (Civil Conspiracy) and Count IV (*Monell*) against Michigan State Police Defendants, Hurst, Gochanour, Cuevas, Marinoff, and Kelley.
3. F.R. Civ. P 41 (a)(1)(B), presumes that a voluntary dismissal is without prejudice.
4. Plaintiffs have sought concurrence of Defendants under LR 7, to stipulate to a dismissal without prejudice and without costs.
5. Michigan State Police Defendants have agreed to stipulate to the dismissal of Claims 3 & 4, without prejudice and without costs, and concur in this motion.
6. County Defendants have agreed to stipulate to the dismissal of all claims, without prejudice and without costs, and concur in this motion.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an Order voluntarily dismissing Plaintiffs' remaining claims without prejudice and without costs in order to allow Plaintiffs to pursue their appeal as of right.

Respectfully submitted,

KLAUS LAW P.L.L.C.

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Dated: April 23, 2018

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BRIEF IN SUPPORT OF MOTION FOR VOLUNTARY DISMISSAL OF COUNTS III & IV AGAINST MICHIGAN STATE POLICE DEFENANTS, AND ALL COUNTS AGAINST COUNTY DEFENDANTS, OF PLAINTIFF'S COMPLAINT (DKT 1)

This Brief in Support is based on F.R. Civ. P 41 (a)(2) along with the files and records herein.

Respectfully submitted,

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Attorney for Plaintiff

Dated: April 23, 2018

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2018, I served *Plaintiff's Motion for Voluntary Dismissal of Counts III & IV Against Michigan State Police Defendants and All Counts Against County Defendants and of Plaintiffs' Complaint (Dkt. 1)*, along with this *Certificate of Service* by using the ECF system to the following:

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